

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 IO-13 DHA-05 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 /079 W

-----119557 080606Z /16

R 071353Z OCT 77

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 4560

INFO AMEMBASSY GUATEMALA

AMEMBASSY PANAMA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE MANAGUA 4655

E.O. 11652: NA

TAGS: SHUM, NU

SUBJECT: HUMAN RIGHTS: INVESTIGATION REJECTED IN CONGRESS

REF: (A) MANAGUA 4452; (B) MANAGUA A-55

SUMMARY: A MOTION FOR INVESTIGATION OF TWO IMPORTANT HUMAN RIGHTS CASES WAS INTRODUCED IN CONGRESS ON OCTOBER 6 AND RULED OUT OF ORDER. SOME ACTION STILL MAY BE POSSIBLE IF PRESENCE OF INDEPENDENT FORENSIC DOCTOR CAN BE ARRANGED FOR AUTOPSY. END SUMMARY.

1. CONSERVATIVE PARTY DEPUTY JULIO MOLINA PRESENTED A MOTION ON OCTOBER 6 IN CONGRESS FOR INVESTIGATION BY HUMAN RIGHTS COMMISSION OF TWO CASES OF ALLEGED ABUSE BY NATIONAL GUARD (GN). ONE CASE INVOLVED DEATH OF RAUL GONZALEZ (REF A) AND THE OTHER THE DISAPPEARANCE OF FRANCISCO TIJERINO AND HIS WIFE AND CHILDREN (REF B AND MEMCON OF AUGUST 30, 1977). LIBERAL PARY DEPUTIES LED BY SOMOZA COUSIN LUIS PALLAIS DEBAYLE ARGUED THESE ALLEGATIONS OF ABUSE HAD BEEN AMPLY INVESTIGATED BY GN ALREADY. THEY ARGUED FOR LIMITED OFFICIAL USE

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AND ACHIEVED A RULING THAT MOLINA'S MOTION WAS INADMISSIBLE.

2. LATER IN THE DAY ARA/CEN DIRECTOR AND POLOFF SPOKE WITH CONGRESSIONAL PRESIDENT HUECK WHO STATED HIS BELIEF BOTH CASES NEEDED TO BE INVESTIGATED BY THE CONGRESSIONAL HUMAN RIGHTS COMMISSION, BUT HE DID NOT INDICATE HOW AN INVESTIGATION COULD BE ACHIEVED IN LIGHT OF THE EARLIER REJECTED MOTION.

3. THE GONZALEZ CASE IN PARTICULAR OFFERS A POTENTIALLY CLEAR CUT CASE FOR INVESTIGATION. THE GN VERSION OF HIS DEATH IN A SHOOTOUT IS BACKED BY A FORENSIC DOCTOR'S REPORT WHICH REFERS TO TWO WOUNDS CAUSED BY ENTERING BULLETS WHICH DID NOT EXIT. THE FAMILY EXAMINED THE BODY AND A BROTHER AND A COUSIN JOINED BY A THIRD DOCTOR DECLARED THERE WERE NO BULLET WOUNDS. AN EXHUMATION AND AUTOPSY SHOULD SUBSTANTIATE THE CORRECT VERSION AS THE BULLETS SHOULD STILL BE IN THE BODY IF THE FORENSIC DOCTOR IS CORRECT. THE FAMILY SAYS THERE IS NO POSSIBILITY OF BULLET WOUNDS HAVING BEEN CAUSED AFTER DEATH BUT PRIOR TO BURIAL.

4. THE FAMILY HAS STATED IT WILL APPROVE AN AUTOPSY ONLY IF THERE IS A UN OR OAS COMMISSION PRESENT TO ASSURE IMPARTIALITY.

5. ACTION REQUESTED: EMBASSY WOULD APPRECIATE ADVICE AS TO ANY PRECEDENT FOR UN OR OAS MAKING FORENSIC DOCTOR AVAILABLE FOR SUCH AN INVESTIGATION.
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Message Attributes

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